

## 1 SENATE BILL NO. 276

2 INTRODUCED BY D. RYAN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING NONPUBLIC AND HOME SCHOOL STUDENTS TO  
5 COMPLETE THE STATE ASSESSMENT REQUIREMENTS FOR EXEMPTION FROM COMPULSORY  
6 SCHOOL ENROLLMENT; REQUIRING THE COUNTY SUPERINTENDENT TO ADMINISTER ASSESSMENT  
7 REQUIREMENTS TO NONPUBLIC AND HOME SCHOOL STUDENTS; AMENDING SECTIONS 20-3-205 AND  
8 20-5-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11

12 **Section 1.** Section 20-3-205, MCA, is amended to read:

13 **"20-3-205. Powers and duties.** The county superintendent has general supervision of the schools of  
14 the county within the limitations prescribed by this title and shall perform the following duties or acts:

15 (1) determine, establish, and reestablish trustee nominating districts in accordance with the provisions  
16 of 20-3-352, 20-3-353, and 20-3-354;

17 (2) administer and file the oaths of members of the boards of trustees of the districts in the county in  
18 accordance with the provisions of 20-3-307;

19 (3) register the teacher or specialist certificates or emergency authorization of employment of any  
20 person employed in the county as a teacher, specialist, principal, or district superintendent in accordance with  
21 the provisions of 20-4-202;

22 (4) act on each tuition and transportation obligation submitted in accordance with the provisions of  
23 20-5-323 and 20-5-324;

24 (5) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;

25 (6) classify districts in accordance with the provisions of 20-6-201 and 20-6-301;

26 (7) keep a transcript and reconcile the district boundaries of the county in accordance with the  
27 provisions of 20-6-103;

28 (8) fulfill all responsibilities assigned under the provisions of this title regulating the organization,  
29 alteration, or abandonment of districts;

30 (9) act on any unification proposition and, if approved, establish additional trustee nominating districts

1 in accordance with 20-6-312 and 20-6-313;

2 (10) estimate the average number belonging (ANB) of an opening school in accordance with the  
3 provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-506;

4 (11) process and, when required, act on school isolation applications in accordance with the provisions  
5 of 20-9-302;

6 (12) complete the budgets, compute the budgeted revenue and tax levies, file final budgets and budget  
7 amendments, and fulfill other responsibilities assigned under the provisions of this title regulating school  
8 budgeting systems;

9 (13) submit an annual financial report to the superintendent of public instruction in accordance with the  
10 provisions of 20-9-211;

11 (14) monthly, unless otherwise provided by law, order the county treasurer to apportion state money,  
12 county school money, and any other school money subject to apportionment in accordance with the provisions  
13 of 20-9-212, 20-9-347, 20-10-145, or 20-10-146;

14 (15) act on any request to transfer average number belonging (ANB) in accordance with the provisions  
15 of 20-9-313(3);

16 (16) calculate the estimated budgeted general fund sources of revenue in accordance with the general  
17 fund revenue provisions of the general fund part of this title;

18 (17) compute the revenue and compute the district and county levy requirements for each fund included  
19 in each district's final budget and report the computations to the board of county commissioners in accordance  
20 with the provisions of the general fund, transportation, bonds, and other school funds parts of this title;

21 (18) file and forward bus driver certifications, transportation contracts, and state transportation  
22 reimbursement claims in accordance with the provisions of 20-10-103, 20-10-143, or 20-10-145;

23 (19) for districts that do not employ a district superintendent or principal, recommend library book and  
24 textbook selections in accordance with the provisions of 20-7-204 or 20-7-602;

25 (20) notify the superintendent of public instruction of a textbook dealer's activities when required under  
26 the provisions of 20-7-605 and otherwise comply with the textbook dealer provisions of this title;

27 (21) act on district requests to allocate federal money for indigent children for school food services in  
28 accordance with the provisions of 20-10-205;

29 (22) perform any other duty prescribed from time to time by this title, any other act of the legislature, the  
30 policies of the board of public education, the policies of the board of regents relating to community college

1 districts, or the rules of the superintendent of public instruction;

2 (23) administer the oath of office to trustees without the receipt of pay for administering the oath;

3 (24) keep a record of official acts, preserve all reports submitted to the superintendent under the  
4 provisions of this title, preserve all books and instructional equipment or supplies, keep all documents applicable  
5 to the administration of the office, and surrender all records, books, supplies, and equipment to the next  
6 superintendent;

7 (25) within 90 days after the close of the school fiscal year, publish an annual report in the county  
8 newspaper stating the following financial information for the school fiscal year just ended for each district of the  
9 county:

10 (a) the total of the cash balances of all funds maintained by the district at the beginning of the year;

11 (b) the total receipts that were realized in each fund maintained by the district;

12 (c) the total expenditures that were made from each fund maintained by the district; and

13 (d) the total of the cash balances of all funds maintained by the district at the end of the school fiscal  
14 year; ~~and~~

15 (26) hold meetings for the members of the trustees from time to time at which matters for the good of  
16 the districts must be discussed; and

17 (27) administer the state assessment requirements as adopted by the board of public education to  
18 nonpublic and home school students."

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20 **Section 2.** Section 20-5-109, MCA, is amended to read:

21 **"20-5-109. Nonpublic school requirements for compulsory enrollment exemption.** To qualify its  
22 students for exemption from compulsory enrollment under 20-5-102, a nonpublic or home school shall:

23 (1) maintain records on pupil attendance and disease immunization and make the records available  
24 to the county superintendent of schools on request;

25 (2) provide at least 180 days of pupil instruction or the equivalent in accordance with 20-1-301 and  
26 20-1-302;

27 (3) be housed in a building that complies with applicable local health and safety regulations;

28 (4) provide an organized course of study that includes instruction in the subjects required of public  
29 schools as a basic instructional program pursuant to 20-7-111;

30 (5) provide verification that each student has completed the state assessment requirements

1 administered annually by the county superintendent; and  
2 ~~(5)(6)~~ in the case of home schools, in each school fiscal year, notify the county superintendent of  
3 schools; of the county in which the home school is located, ~~in each school fiscal year~~ of the student's attendance  
4 at the school."

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6 **NEW SECTION. Section 3. Effective date -- applicability.** [This act] is effective on passage and  
7 approval and applies to the school fiscal years beginning on or after July 1, 2003.

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